



DATE DOWNLOADED: Fri Feb 10 12:19:32 2023

SOURCE: Content Downloaded from [HeinOnline](https://heinonline.org)

Citations:

Bluebook 21st ed.
1870 145 .

ALWD 7th ed.
, , 1870 145 .

Chicago 17th ed.
", " Louisiana - 1st Legislature, 3rd Session; 1st Legislature, 2nd Session : 145-161

AGLC 4th ed.
" Louisiana - 1st Legislature, 3rd Session; 1st Legislature, 2nd Session 145

OSCOLA 4th ed.
" 1870 145

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

No. 100.]

AN ACT

To regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making, and designate the officers who shall make the returns thereof; to prevent fraud, violence, intimidation, riot, tumult, bribery or corruption at elections or at any registration or revision of registration; to limit the powers and duties of the sheriffs of the parishes of Orleans and Jefferson; to prescribe the powers and duties of the Board and officers of the Metropolitan Police in reference to elections; to prescribe the mode of entering on the rolls of the Senate and House of Representatives the names of members; to empower the Governor to preserve peace and order, to enforce the laws; to limit the powers and duties of the Mayors of the cities of New Orleans and Jefferson with regard to elections; to prohibit District or Parish Judges from issuing certain writs to Commissioners of Election; to make an appropriation for the expenses of the next revision of the registration and of the next election; and to enforce article one hundred and three of the constitution.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That all elections for State, parish and judicial officers, members of the General Assembly, and for members of Congress shall be held on the first Monday in November, and said elections shall be styled the general elections.

Time of holding elections.

They shall be held in the manner and form, and subject to the regulations hereinafter prescribed, and no other.

SEC. 2. *Be it further enacted, etc.,* That elections for Representatives in the General Assembly shall be held on the first Monday of November, one thousand eight hundred and seventy, and every two (2) years thereafter; and all elections to supply the place of Senators in the General Assembly, whose terms of service shall have expired, shall be held at the same time as herein provided for the election of Representatives.

Elections for representatives in the General Assembly.

Elections for State senators.

SEC. 3. *Be it further enacted, etc.,* That all elections shall be held in each parish at the several election polls or voting places to be established as is hereinafter prescribed.

When held.

SEC. 4. *Be it further enacted, etc.,* That all elections shall be completed in one day, and the polls shall be kept open at each poll or voting place, from the hour of six in the morning until six o'clock in the afternoon.

When completed—polls open.

SEC. 5. *Be it further enacted, etc.,* That each parish in this State, except the parishes of Orleans and Jefferson, is hereby fixed as an election precinct, and the supervisor of registration in each of said parishes shall direct what number of polls or voting places shall be established in each precinct, fix the places of holding the election, and appoint commissioners of election for each poll or voting place. In the city of New Orleans, each ward shall constitute a precinct, and in the remaining part of the parish of Orleans, the supervisor of registration for the said parish shall fix both the precincts and voting places in each precinct, and in the parish of Jefferson, the supervisor of registration shall fix both the precincts and the voting places in each precinct; in the parishes of Orleans and Jefferson the supervisor of registration of each parish shall appoint commissioners of election therefor, as in the other parishes. Any duly registered voter may vote at any poll or voting place within his precinct.

Election precincts.

Voting places.

SEC. 6. *Be it further enacted, etc.,* That the elections at each poll or voting place shall be presided over by three commissioners of election, residents of the parish, who shall be able to read and write, to be appointed by the supervisor of registration for the parish,

Commissioners of election.

Oath. who shall, before entering upon the discharge of their duties, take and subscribe the oath or oaths prescribed for State officers. Should only one of the commissioners appointed be present, he shall appoint another; and both together shall appoint a third, and the commissioners so appointed shall take the oath, and perform all the duties of commissioners of election in the same manner as if they had been appointed by the supervisor of registration.

Abseence. SEC. 7. *Be it further enacted, etc.,* That it shall be the duty of the commissioners of election to receive the ballots of all legal voters who shall offer to vote, and deposit the same in the ballot box to be provided for that purpose. The commissioners shall deposit the ballot of each voter in the ballot box in the full and convenient view of the voter himself.

Penalty. SEC. 8. *Be it further enacted, etc.,* That in all cases the vote of the person offering to vote shall be taken from the hand of the voter by one of the commissioners of election, and any commissioner of election receiving a vote from the hands of any person other than the voter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than three hundred dollars; and any person taking a vote from a voter for the purpose of handing the same to the commissioner of election, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than three hundred dollars; *Provided,* That any voter shall have the right to deposit his own vote in the ballot box with his own hand.

SEC. 9. *Be it further enacted, etc.,* That any commissioner of election, constable, police officer or election officer, who shall see any person taking from the hands of a voter his ballot with intent to pass it to the commissioners of election, or attempting so to pass such ballot, shall forthwith arrest such person and convey him at least one quarter of a mile from the polls, and keep him there under guard until the close of the polls.

Order and decorum. SEC. 10. *Be it further enacted, etc.,* That the commissioners of election shall preserve order and decorum at the election, and shall commit to prison, or if at any place over one mile from the parish prison, to the custody of the officer, who shall convey the prisoner to a place at least a quarter of a mile from the polls, any disorderly person or persons for a term not to extend beyond the hour of closing the polls, provided he be permitted to vote before being imprisoned. It shall be the duty of the commissioners of election, or any of them, to issue a warrant forthwith for the arrest of such person or persons, and the officer making the arrest shall commit such person or persons as above provided until the close of the polls. Such warrants may be directed to any sheriff, constable or police officer, and shall be executed immediately by such officer. As soon as practicable after the closing of the polls, such person or persons shall be brought before the proper magistrate for examination, who shall proceed forthwith to examine the case.

Arrest of disorderly persons. SEC. 11. *Be it further enacted, etc.,* That it shall be the duty of the commissioners of election at each poll or voting place to keep a list of the names of the persons voting at such poll or voting place, which list shall be numbered from one to the end, and said lists of voters, with their names and number as aforesaid, signed and sworn to as correct by such commissioners, shall be delivered to the super-

Lists of persons voting.

visor of registration at the same time the box containing the ballots is delivered to him.

SEC. 12. *Be it further enacted, etc.,* That any commissioner of election shall have power to administer oaths and affirmations to persons offering to vote at any election conducted by them, and to examine such persons under oath touching their right to vote at such election; and in all cases the supervisor of registration for the parish shall appoint one of the commissioners of election to keep a record of the voters during the election, and another to receive the votes, and whenever a vote is received the commissioner of election keeping the record shall call the name of the voter aloud, and shall mark the letter "V" opposite said name on the record.

Oaths and affirmations.

Commissioner to receive votes.

Record of persons voting-- how kept.

SEC. 13. *Be it further enacted, etc.,* That all supervisors of registration, assistant supervisors of registration, commissioners of election, and officers attending supervisors of registration or commissioners of election, shall be free from arrest during the time of registration or of the revision of the registration, or of holding the election, or in going to or returning from the place of registration or poll or voting place, unless he or they shall be charged with an offense punishable with death or imprisonment in the penitentiary.

Officers of election free from arrest.

Exception.

SEC. 14. *Be it further enacted, etc.,* That each commissioner of election shall receive as compensation the sum of five dollars per day for the number of days he is actually employed in the discharge of the duties of his office, for which he shall make a written and specific account, which shall be examined, and if found correct shall be approved and countersigned by the supervisor of registration of the parish and by the Governor, and upon presentation of such account to the Auditor of Public Accounts, said Auditor shall issue his warrant upon the Treasurer for the amount named therein. All proper expenses incurred for the rent of polling or voting places, and the hire of such furniture and incidental expenses necessary for the holding an election, shall be paid by the city or parish authorities in which the elections are held, upon the presentation of a detailed account, duly sworn to and approved by the supervisors of registration for the parish.

Compensation of commissioners.

Expenses.

SEC. 15. *Be it further enacted, etc.,* That any person duly appointed as a commissioner of election, who shall refuse or fail to serve as such, shall be fined in the sum of one hundred dollars, to be recovered by prosecution before any court of competent jurisdiction.

Failure of commissioners to act--penalty.

SEC. 16. *Be it further enacted, etc.,* That no person shall be permitted to vote at any election to be held in this State, who has not been duly registered as a qualified voter in accordance with law.

Person must be registered in order to vote.

SEC. 17. *Be it further enacted, etc.,* That any voter shall vote in the parish wherein he resides, except in the parishes of Orleans and Jefferson, wherein he shall vote at the election precinct in which he shall be a registered voter.

Where a person may vote.

SEC. 18. *Be it further enacted, etc.,* That all the names of persons voted for by each voter shall be written or printed on one ticket, on which the names of the persons voted for, together with the office for which they are voted for, shall be accurately specified; and should two (2) or more tickets be folded together, the tickets so folded shall be rejected. The commissioners of election shall require every person offering to vote to exhibit his certificate of registration, and when the vote of such person is received, the commissioners of election shall write on or stamp on such certificate or affidavit the

Tickets.

Certificates of registration to be stamped.

Penalty for
erasure of stamp

word "voted," and the date of the vote, which shall be signed by one of the commissioners; and any person being guilty of erasing or altering any stamp or mark thus made by the commissioners of election, or any one of them, shall upon conviction be deemed guilty of a misdemeanor, and fined and imprisoned at the discretion of the court.

Oaths of voters
may be required
as to previous
voting.

Penalty for re-
fusing to admin-
ister oath.

SEC. 19. *Be it further enacted, etc.,* That the commissioners shall have the right to require that any person attempting to vote shall be put on his oath, and made to declare whether he has voted at another poll or voting place, and in case such person shall make a false oath, he shall be subjected to the penalties provided by law for perjury. And it is hereby made the duty of any commissioner of election, upon the request of any voter, to administer the oath herein required, and any commissioner of election refusing or neglecting to administer the oath, when so requested, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars, and by imprisonment for a term of not less than three months.

As to certificate
of registration.

SEC. 20. *Be it further enacted, etc.,* That any person offering to vote may be required by the commissioners to make oath and declare that he is the person to whom was issued the registration certificate, or other paper upon which he offers to vote, and that he has not voted at any other poll or voting place; and in case he shall make a false oath, he shall be liable to the pains and penalties of perjury prescribed by law.

Printed lists of
registered voters
to be furnished
to Commission-
ers.

Eraseure penal-
ties.

SEC. 21. *Be it further enacted, etc.,* That the supervisor of registration for each parish throughout the State shall furnish to the commissioners of election, at each poll or voting place within his parish, a written or printed list, in alphabetical order, of all the registered voters, and the number of the certificate of registration of each voter of the precinct in which the poll or voting place may be situated; and it shall be the duty of the commissioners of election, as soon as a voter has deposited his vote, to erase his name from said list. Any person, except a commissioner of election, who shall mark, disfigure or erase any part of said list, shall be immediately arrested and confined until the close of the polls. It is made the duty of all supervisors and assistant supervisors of registration, commissioners of election, and public officers, to enforce the penalty of this section.

Ballot boxes, by
whom furnished.

SEC. 22. *Be it further enacted, etc.,* That the police jury of each parish in the State, except the parish of Orleans, shall furnish to the supervisor of registration as many ballot boxes as may be requisite for the holding of all elections in the parish, and in the parish of Orleans it shall be the duty of the Common Council of the city of New Orleans to furnish the supervisor of registration as many ballot boxes as may be necessary for the holding of all elections in the parish.

One for each
poll.

SEC. 23. *Be it further enacted, etc.,* That it shall be the duty of the supervisor of registration of each parish to provide for each election poll or voting place within the parish, one suitable ballot box, at the expense of the parish, if not furnished by the parish.

Law to be posted

SEC. 24. *Be it further enacted, etc.,* That it shall be the duty of the supervisor of registration in each parish, at least ten days before any election, to cause to be printed and posted up in conspicuous places throughout his parish, and at or near the polls or voting

places, a sufficient number of copies of the provisions of this law imposing penalties for offenses against the freedom and purity of elections.

Sec. 25. *Be it further enacted, etc.,* That the State Registrar of Voters shall furnish to all supervisors of registration all printed blanks and instructions, in conformity with this act, which may be necessary for conducting elections and making returns thereof, which shall be printed by some person to be appointed by the Governor, Lieutenant Governor and Speaker of the House of Representatives, and paid for at the rates allowed for the State printing. The printing shall be measured and approved by the officers aforesaid, and the Auditor of Public Accounts shall issue his warrants therefor upon the State Treasurer only when so approved, in such sums as may be convenient, of not less than fifty dollars nor more than one hundred dollars each.

Blanks and instructions.

How paid for, etc.

Sec. 26. *Be it further enacted, etc.,* That all elections held in this State to fill any vacancies shall be conducted and managed, and returns thereof shall be made in the same manner as (if) [is] provided for general elections

Returns of elections to fill vacancies.

Sec. 27. *Be it further enacted, etc.,* That the supervisor of registration for the parish shall conduct all city, town, parish or charter elections, which may be held in his parish, and forward statements thereof to the returning officers in the same manner and form as is prescribed for general elections.

City, town, parish and charter elections.

Sec. 28. *Be it further enacted, etc.,* That the Governor shall commission all officers elect, except members of the General Assembly and the Governor.

Commissions of officers elect.

Sec. 29. *Be it further enacted, etc.,* That in any parish, precinct, ward, city or town, in which during the time of registration or revision of registration, or on any day of election, there shall be any riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences, at any place within said parish, or at or near any poll or voting place, or place of registration or revision of registration, which riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences, shall prevent, or tend to prevent, a fair, free, peaceable and full vote of all the qualified electors of said parish, precinct, ward, city or town, it shall be the duty of the commissioners of election, if such riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences, occur on the day of election, or of the supervisor of registration, or any assistant supervisor of registration of the parish, if they occur during the time of registration or revision of registration, to make in duplicate, and under oath, a clear and full statement of all the facts relating thereto, and of the effect produced by such riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences in preventing a fair, free, peaceable and full registration or election, and of the number of qualified electors deterred by such riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences, from registering or voting, which statement shall also be corroborated, under oath, by three respectable citizens, qualified electors of the parish.

Statement of riots and disturbances to be made.

When such statement is made by a commissioner of election or assistant supervisor of registration, he shall forward both copies to the supervisor of registration, immediately on the close of the election. The supervisor of registration shall forward one copy of

all such statements, whether made by himself or by a commissioner of election, or by an assistant supervisor of registration, to the Governor, and shall deposit one copy with the clerk of a District Court of the parish.

Writs of injunction, etc.

Penalty.

Proviso.

SEC. 30. *Be it further enacted, etc.,* That no parish or district judge shall interfere, by writ of injunction or mandamus, or order of court to compel any commissioner of election to do any act or prohibit him from doing any act in his official capacity as commissioner of election, or relating in any manner to the conduct of the election. Any judge so interfering shall be guilty of a misdemeanor in office, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and imprisonment in the parish prison for not less than three months; *Provided,* That nothing in this section shall be so construed as to exempt any commissioner from a suit for damages or prosecution for violation of the law.

Prosecution of Judge, wrongfully granting certain writs.

SEC. 31. *Be it further enacted, etc.,* That it shall be the duty of the Governor to cause the Attorney General, or in case of his failure or refusal, to employ competent counsel to prosecute any judge who shall violate the provisions of the foregoing section of this act. In the parish of Orleans such prosecutions shall be before the district court having criminal jurisdiction. Whenever the judge of a district court having jurisdiction of such prosecutions shall be prosecuted for such an offense, the Governor shall appoint some practicing attorney to prosecute the cause. Any attorney so employed, as above directed by the Governor, shall, for each successful prosecution in which he shall have been engaged, receive as compensation a sum to be fixed by the Governor, the judge of a district court and two judges of the Supreme Court, which shall be paid to him upon the warrant of the Governor and such judges, out of any funds in the treasury not otherwise appropriated.

Members of Congress.

SEC. 32. *Be it further enacted, etc.,* That all general elections for members of Congress shall be held at the same time, and conducted in the same manner, as is provided for the general elections.

Returns for Congressional Representatives.

SEC. 33. *Be it further enacted, etc.,* That as soon as possible after the expiration of the time of making the returns of the election for representatives in Congress, a certificate of the returns of the election for such representatives shall be entered on record by the Secretary of State, and signed by the Governor, and a copy thereof, subscribed by said officers, shall be delivered to the person so elected, and another copy transmitted to the House of Representatives of the Congress of the United States, directed to the clerk thereof.

Vacancy in office of Representative in Congress.

SEC. 34. *Be it further enacted, etc.,* That in case of vacancy, by death or otherwise in the said office of Representatives in Congress, between the general elections, it shall be the duty of the Governor by proclamation, to cause an election to be held according to law, to fill the vacancy.

Presidential elections.

SEC. 35. *Be it further enacted, etc.,* That in every year in which an election shall be held for electors of President and Vice President of the United States, such election shall be held on the Tuesday next after the first Monday in the month of November, in accordance with an act of the Congress of the United States, approved January twenty-third, one thousand eight hundred and forty-five, entitled "An Act to establish a uniform time for holding elections for electors of President and Vice President, in all States of the Union;" and

such elections shall be held and conducted, and returns made thereof in the manner and form prescribed by law for the general elections.

Sec. 36. *Be it further enacted, etc.,* That whenever the seat of any senator or representatives shall become vacant, and there shall be a session of the General Assembly then sitting or to be held before the next general election, it shall be the duty of the Governor, within five days after being officially informed of such vacancy, to issue his writ of election, directed to the supervisors of registration in and for the parish or parishes in which such vacancy may exist, whose duty it shall be, within three days after its receipt, to give public notice that an election will be held to fill such vacancy on a day to be named by them, which day shall not be less than eight nor more than fifteen days after the publication of such notice, if such election be held during or within fifteen days next preceding a session of the General Assembly, but if not, then the election shall be held not less than twenty nor more than thirty days after the publication of such notice, and shall be held and conducted, and the returns thereof made in the manner and form provided by law for general elections.

Vacancies in
members of
General Assembly.

Sec. 37. *Be it further enacted, etc.,* That in all future elections for senators, representatives, sheriffs, coroners, clerks of the district courts and other officers, if there should be an equal number of votes given to two or more candidates for the same office, the election for such office or offices thus not filled shall be again returned to the people in the parish or district, as the case may be, public notice of ten days to be first given in the same manner as in the general elections.

Tie vote.

Sec. 38. *Be it further enacted, etc.,* That the provisions of this act, except as to the time of holding elections, shall apply in the election of all officers whose election is not otherwise provided for.

Elections not
specified.

Sec. 39. *Be it further enacted, etc.,* That it shall be the duty of the Governor, at least six weeks before every general election, to issue his proclamation, giving notice thereof, which shall be published in the official journal of the State, and copies thereof forwarded to the several supervisors of registration throughout the State.

Proclamation of
election.

Sec. 40. *Be it further enacted, etc.,* That notice of every general election held under the provisions of this act shall be given at least thirty days before the election, by notices posted up in each precinct, or if there be an official newspaper published in the parish, by publishing the notice in such paper.

Notices of elec-
tion.

Sec. 41. *Be it further enacted, etc.,* That the supervisors of registration, or commissioners of election, shall, on the day of election, close all drinking saloons, dram shops, groggeries or places where liquor is sold by the glass or bottle, situated within a radius of two miles of any poll or voting place. And said supervisors or commissioners of election shall have the power to call on any sheriff, constable or police officer to enforce this regulation. If such sheriff, constable or police officer shall refuse to obey any order issued under the authority of this section, the commissioner or supervisor giving the order shall summarily arrest and imprison such sheriff, constable or police officer, such imprisonment not to extend beyond the hour of closing the polls. And such sheriff, constable or police officer so refusing to obey such order shall be deemed guilty of a misdemeanor in office, and upon conviction thereof, shall be punished by imprisonment for a term not to exceed six months, nor less than three months, and by a fine of not more than (\$500) five hundred dollars, nor less than (\$100) one hundred dollars.

Drinking
saloons.

Peace officers to issue warrant for closing drinking houses. SEC. 42. *Be it further enacted, etc.,* That the Governor, any justice of the peace, alderman, mayor, judge, or any State officer who may be present at, or have knowledge of any drinking saloon, dram shop, groggery, or place where liquor is sold by the glass or bottle, which is open contrary to the provisions of the foregoing section within the limits therein prescribed, may in writing order any police officer or constable to seize any such liquors, or any carriages or vessels containing the same, or any booths or tents erected within said limits for the purpose of exposing such intoxicating liquors for sale.

Officers to seize liquors. SEC. 43. *Be it further enacted, etc.,* That the constable or police officer to whom such order shall be delivered, shall thereupon seize all such liquor, carriages, vessels, and the materials of any such tent or booth and hold and detain the same until twenty-four hours after the close of the election, then to be delivered on demand to the owner or the person from whom they were taken, on the payment of ten dollars for the safe keeping of said articles.

Sale of liquors, etc. SEC. 44. *Be it further enacted, etc.,* That if these effects be not thus demanded, the same shall be sold at public auction by the police officer or constable making the seizure, and the proceeds of such sale, after deducting costs of sale and safe keeping, shall be paid to the owner of the articles sold, or the person from whom the same were taken.

Registered voter not to be challenged as to residence. SEC. 45. *Be it further enacted, etc.,* That no voter whose name is registered according to law shall be challenged at the polls on any question of residence, but it shall be the duty of the commissioners of elections to require every person whose name appears on the registration books to prove his identity if required by the commissioners of election; and any commissioner of election who shall receive a second vote on the same day by virtue of the same certificate of registration, and any person who shall offer to vote a second time upon any certificate of registration, shall be deemed guilty of a misdemeanor, and on conviction thereof be fined or imprisoned, or both, at the discretion of the court, but the fine shall not exceed one hundred dollars in each case, nor the imprisonment one year, and the like punishment shall, on conviction, be inflicted on any commissioner of election who shall neglect or refuse to make the endorsement required as aforesaid, on the said registration certificate.

Voting twice.

Endorsement on certificate.

Wrongful issue of naturalization certificates. SEC. 46. *Be it further enacted, etc.,* That if any clerk of a court, or deputy of any such clerk, or any other person, shall affix the seal of office to any naturalization paper or permit the same to be affixed, or give out, or cause or permit the same to be given out, in blank, whereby it may be fraudulently used, or furnish a naturalization certificate to any person who shall not have been duly examined and sworn in open court, in the presence of some of the judges thereof, according to the act of Congress, or shall aid in, connive at, or in any way permit the issue of fraudulent naturalization certificates, he shall be guilty of a misdemeanor; or if any one shall fraudulently use any such certificate of naturalization, knowing it to have been fraudulently issued, or shall vote, or attempt to vote thereon, or if any one shall vote, or attempt to vote, on any certificate of naturalization not issued to him, he shall be guilty of a misdemeanor; and either or any of the persons, their aiders or abettors, guilty of either of the misdemeanors aforesaid, shall, on conviction, be fined in a sum not exceeding one thousand dollars, and imprisoned in the penitentiary for a period not exceeding three days.

Sec. 47. *Be it further enacted, etc.,* That if any person, on oath or affirmation, in or before any court in the State, or officer authorized to administer oaths, shall, to procure a certificate of naturalization for himself or any other person, willfully depose, declare or affirm any matter to be fact, knowing the same to be false, or shall in like manner deny any matter to be fact, knowing the same to be true, he shall be deemed guilty of perjury, and any certificate of naturalization issued in pursuance of any such deposition or affirmation, shall be null and void; and it shall be the duty of the court issuing the same, upon proof being made before it that it was fraudulently obtained, to take immediate measures for recalling the same for cancellation; and any person who shall vote, or attempt to vote, on any paper so obtained, or who shall in any way aid in, connive at, or have any agency whatever in the issue, circulation or use of any fraudulent naturalization certificate, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall undergo an imprisonment in the penitentiary for not more than two years, and pay a fine, not more than one thousand dollars, for every such offense, or either or both, at the discretion of the court.

False oath to procure certificate of naturalization.

Sec. 48. *Be it further enacted, etc.,* That at all general elections the names of all candidates to be voted for in the cities of New Orleans and Jefferson shall be written or printed on one ticket, or slip of paper, and the number of the ward and election precinct in which the ticket is to be voted, shall be printed or written on the outside fold thereof.

Names of candidates on one ticket.

Sec. 49. *Be it further enacted, etc.,* That the supervisors of registration in the parishes of Orleans and Jefferson shall, during registration and at least within six days preceding any general election, furnish to the Board of Metropolitan Police Commissioners a copy of the lists of registered voters in each precinct in said parishes.

Copy lists of registration in Orleans and Jefferson.

Sec. 50. *Be it further enacted, etc.,* That the Board of Metropolitan Police Commissioners shall forthwith proceed by means of the police to inquire into and report to said supervisors the names of all persons falsely, fraudulently or improperly registered; and to this end the Board of Metropolitan Police Commissioners shall divide each ward into convenient subdivisions or blocks, and shall assign to each subdivision one or more police officers, whom they shall direct and cause to compare the names of the actual residents of said subdivisions or blocks with the names of the registered voters thereof, and to report to them the names of all persons whom they shall find to be falsely, fraudulently or improperly registered, and the Board of Metropolitan Police Commissioners shall report the same in an alphabetical list, with the names and residences thereof as registered, to the supervisors of registration of said parishes of Orleans and Jefferson, respectively, who shall immediately make publication thereof in the official journal of the State, with notice to all such persons to appear forthwith at the office of the supervisor of registration of said parishes, respectively, and show cause why their names should not be erased from the registry list. If any such person shall appear and show to the satisfaction of the Supervisor of Registration that he has been unjustly reported as falsely, fraudulently or improperly registered, or show other sufficient cause why his name should remain on the registry list, his name shall not be erased; otherwise the supervisor of registration shall cause all

Duty of Metropolitan Police.

names so reported to be erased from the registry list, and no person whose name is so erased shall vote at that election.

Mayor prohibited from conducting elections in Orleans and Jefferson.

Sec. 51. *Be it further enacted, etc.,* That the mayors of the cities of New Orleans and Jefferson are hereby prohibited from appointing commissioners or (*their*) [other] officers to hold or conduct any election whatever, and from doing any act toward the holding or conducting of any election.

Any mayor who shall do any act contrary to the provisions of this section shall be deemed guilty of a misdemeanor in office, and, upon conviction thereof, shall be punished by imprisonment for not less than three months, and by a fine of not less than three hundred dollars. Any citizen may prosecute any person violating this section.

Sheriffs not to interfere in elections in Orleans and Jefferson and St. Bernard

Sec. 52. *Be it further enacted, etc.,* That it shall be unlawful for the sheriffs of the parishes of Orleans, Jefferson and St. Bernard, or either of them, to appoint any deputies to conduct or in any manner to interfere with the elections in said parishes, or to station any deputies or their officers at any poll or voting place or at any office of registration, for the purpose of receiving or carrying the ballot boxes, or to do any act toward conducting the elections, or toward maintaining or preserving the peace on the day of election. The whole care of the peace and order of the cities of New Orleans, Jefferson and Carrollton, and in the parishes of Orleans, Jefferson and St. Bernard, on the days of election, shall be in the charge of the Metropolitan Police, subject to the orders of the Governor.

Penalty.

Any sheriff who shall do any act contrary to the provisions of this section shall be deemed guilty of a misdemeanor in office, and, upon conviction thereof, shall be removed from office, and be imprisoned for not less than three months, and be fined not less than three hundred dollars. Any citizen may prosecute any person violating the provisions of this section.

Sealing of ballot boxes.

Sec. 53. *Be it further enacted, etc.,* That immediately upon the close of the polls on the day of election, the commissioners of election at each poll or voting place shall seal the ballot box by pasting slips of paper over the key hole and the opening in the top thereof, and fastening the same with sealing wax on which they shall impress a seal, and they shall write the names of the commissioners on the said slips of paper; they shall forthwith convey the ballot box so sealed to the office of, and deliver said ballot box to the supervisor of registration for the parish, who shall keep his office open for that purpose from the hour of the close of the election until all the votes from the several polls or voting places of the precinct shall have been received and counted. The supervisor of registration shall immediately upon the receipt of said ballot box note its condition and the state of the seals and fastenings thereof, and shall then in the presence of the commissioners of election and three citizens freeholders of the parish for such poll or voting place, open the ballot box and count the ballots therein, and make a list of all the names of the persons and offices voted for, the number of votes for each person, the number of ballots in the box, and the number of ballots rejected, and the reason therefor. Said statement shall be made in triplicate, and each copy thereof shall be signed and sworn to by the commissioners of election of the poll and by the supervisor of registration. As soon as the supervisor of registration shall have made

Delivery of ballot boxes.

Counting of ballots.

Statement of votes.

the statement above provided for for each poll in his precinct or parish, and it shall have been sworn to and subscribed as above directed, the supervisor of registration shall inclose in an envelop of strong paper or cloth, securely sealed, one copy of such statement from each poll and one copy of the list of persons voting at each poll, and one copy of any statements as to violence or disturbance, bribery or corruption, or other offenses specified in section twenty-nine of this act, if any there be, together with all memoranda and tally lists used in making the count and statement of the votes, and shall send such package by mail, properly and plainly addressed, to the Governor of the State. The supervisor of registration shall send a second copy of said statement to the Governor of the State by the next most safe and speedy mode of conveyance, and shall retain the third copy in his own possession.

Sec. 54. *Be it further enacted, etc.,* That the Governor, the Lieutenant Governor, the Secretary of State, and John Lynch and T. C. Anderson, or a majority of them, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum and have power to make the returns of all elections. In case of any vacancy by death, resignation or otherwise by either of the board, then the vacancy shall be filled by the residue of the board of returning officers. Returning officers.

The returning officers shall, after each election, before entering upon their duties, take and subscribe to the following oath before a judge of the Supreme or any District Court:

I, A. B., do solemnly swear (or affirm) that I will faithfully and diligently perform the duties of a returning officer as prescribed by law; that I will carefully and honestly canvass and compile the statements of the votes and make a true and correct return of the election. So help me God.

Within ten days after the closing of the election said returning officers shall meet in New Orleans to canvass and compile the statements of votes made by the supervisors of registration, and make returns of the election to the Secretary of State. They shall continue in session until such returns have been completed. The Governor shall at such meeting open, in the presence of the said returning officers, the statements of the supervisors of registration, and the said returning officers shall, from said statements, canvass and compile the returns of the election in duplicate. One copy of such returns they shall file in the office of the Secretary of State, and of one copy they shall make public proclamation by printing in the official journal and such other newspapers as they may deem proper, declaring the names of all persons and offices voted for, the number of votes for each person, and the names of the persons who have been duly and lawfully elected. The returns of the elections thus made and promulgated shall be *prima facie* evidence in all courts of justice and before all civil officers until set aside, after a contest according to law of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected. Meetings.

The Governor shall within thirty days thereafter issue commissions to all officers thus declared elected who are required by law to be commissioned. Commissions.

Sec. 55. *Be it further enacted, etc.,* That in such canvass and compilation the returning officers shall observe the following order: They shall compile first the statements from all polls or voting Duties of returning officers.

places at which there shall have been a fair, free and peaceable registration and election. Whenever from any poll or voting place there shall be received the statement of any supervisor of registration, assistant supervisor of registration, or commissioner of election, in form as required by section twenty-nine of this act, on affidavit of three or more citizens, of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences, which prevented or tended to prevent a fair, free, and peaceable and full vote of all qualified electors entitled to vote at such poll or voting place, such returning officers shall not canvass, count or compile the statement of votes from such poll or voting place until the statements from all other polls or voting places shall have been canvassed and compiled. The returning officers shall then proceed to investigate the statements of riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences at any such poll or voting place, and if from the evidence of such statements they shall be convinced that such riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences, did not materially interfere with the purity and freedom of the election at such poll or voting place, or did not prevent a sufficient number of qualified voters thereat from registering or voting to materially change the result of the election, then, and not otherwise, said returning officers shall canvass and compile the vote of such poll or voting place with those previously canvassed and compiled; but if said returning officers shall not be fully satisfied thereof, it shall be their duty to examine further testimony in regard thereto, and to this end they shall have power to send for persons and papers. If, after such examination, the said returning officers shall be convinced that said riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences did materially interfere with the purity and freedom of the election at such poll or voting place, or did prevent a sufficient number of the qualified electors thereat from registering and voting, to materially change the result of the election, then the said returning officers shall not canvass or compile the statement of the votes of such poll or voting place, but shall exclude it from their returns.

Clerks.

The returning officers may appoint such clerks as may be necessary, for a length of time not to exceed thirty days, who shall be paid five dollars per day each for the time actually served, which time shall be specified in a written account, subscribed and sworn to by such clerk, and approved by the returning officers. The Auditor of Public Accounts shall issue his warrant upon the treasury for the amount of such account so subscribed and sworn to and approved.

Returns of Assembly men.

Sec. 56. *Be it further enacted, etc.,* That it shall be the duty of the Secretary of State to transmit to the Clerk of the House of Representatives and the Secretary of the Senate of the last General Assembly a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly, and it shall be the duty of said clerk and secretary to place the names of the representatives and senators elect, so furnished, upon the roll of the House and of the Senate respectively, and those representatives and senators whose names are so placed by the clerk and secretary, respectively, in accordance with the foregoing provisions, and none other, shall be competent to organize the House of Representatives or Senate. Nothing in this act shall be

construed to conflict with article thirty-four of the constitution of the State.

SEC. 57. *Be it further enacted, etc.,* That should any of the returning officers named in this act be a candidate for any office at any election, he shall be disqualified to act as returning officer for that election, and a majority of the remaining returning officers shall summon some respectable citizen to act as returning officer in place of the one so disqualified.

Candidates not to be returning officers.

SEC. 58. *Be it further enacted, etc.,* That any civil officer or other person who shall assume or pretend to act in any capacity as a commissioner or other officer of election, to receive or count votes, to receive returns or ballot boxes, or to do any other act toward the holding or conducting of elections, or the making returns thereof, in violation of or contrary to the provisions of this act, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for a term not to exceed three years nor less than one year, and by a fine not exceeding three hundred dollars nor less than one hundred dollars.

Intrusion into office.

SEC. 59. *Be it further enacted, etc.,* That any person or persons who shall obstruct, hinder, or by violence or threats of violence, abusive language, or other species of intimidation, interfere with a supervisor or assistant supervisor of registration or commissioner of election, or with any person or persons duly appointed to execute orders of the supervisor of registration or commissioners of elections, in the discharge of their duties, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding three hundred dollars nor less than one hundred dollars, and by imprisonment for a period not exceeding three months nor less than one month.

Intimidation, etc.

SEC. 60. *Be it further enacted, etc.,* That any person or persons who shall counsel, aid, connive at, abet, encourage or participate in any riots, tumults, acts of violence, intimidation, or armed disturbance at or near the office of any supervisor or assistant supervisor of registration, on any day of registration or revision of registration, or at or near any poll or voting place, on any day of election, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, and by imprisonment in the penitentiary for a period not exceeding two years nor less than six months.

Abetting acts of violence.

SEC. 61. *Be it further enacted, etc.,* That any person who shall register or cause to be registered his name, or that of any other person as a legal voter, in violation of law, or vote, or induce or cause another to vote, in violation of the laws, or of the constitutional provisions in such cases made and provided, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than five hundred dollars nor less than one hundred dollars, and by imprisonment in the penitentiary for a period not less than one year nor more than three years.

False registry and voting.

SEC. 62. *Be it further enacted, etc.,* That any person or persons who shall purchase or cause to be purchased the registration papers or certificate of registration of any person duly registered according to law, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, and by imprisonment in the penitentiary for a term not less than one year nor more than three years.

Purchase of registration papers, etc.

False certifi-
cates, etc.

SEC. 63. *Be it further enacted, etc.,* That any person who shall vote or attempt to vote on any false or fraudulent paper or certificate of registration, or upon any paper or certificate of registration issued to a person other than the one voting or attempting to vote on said paper or certificate of registration, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, and by imprisonment in the penitentiary for a term not less than one year nor more than three years.

Bribery and vio-
lence.

SEC. 64. *Be it further enacted, etc.,* That any person who shall induce, by offer of reward, by threats of violence, or otherwise, any person to vote or attempt to vote on any false or fraudulent paper or certificate of registration, or upon any papers or certificate of registration belonging to a person other than the one voting or attempting to vote on said paper or certificate of registration, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, and by imprisonment in the penitentiary for a period not exceeding three years nor less than one year.

Twice voting.

SEC. 65. *Be it further enacted, etc.,* That any person who shall vote or attempt to vote more than once at the same election, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, and by imprisonment in the penitentiary for a term of not less than three years.

Arrest of offend-
ers.

SEC. 66. *Be it further enacted, etc.,* That it shall be the duty of any commissioner of election to forthwith arrest any person who shall vote or attempt to vote more than once, and commit him to the parish prison, and to immediately file an information against such person with the district attorney or district attorney *pro tempore* whose duty it shall be to prosecute such person before the proper court; and upon his failure so to do, the Attorney General shall appoint some attorney to prosecute such person, and also to prosecute such district attorney or district attorney *pro tempore* for such failure. Any supervisor of registration, commissioner of election, district attorney, or district attorney *pro tempore* who shall refuse, neglect or fail to comply with the provisions of this section of this act, shall be deemed guilty of a misdemeanor in office, and upon conviction thereof shall be removed from office, and punished by a fine of not less than one hundred dollars, and imprisonment for not less than three nor more than six months.

Influencing
voters.

SEC. 67. *Be it further enacted, etc.,* That any person who shall, by threats of discharge from employment, of withholding wages, or proscription in business, influence or attempt to influence any voter in the casting of his vote at any election, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars, which shall go to the school fund of the parish, and by imprisonment in the parish prison for not less than three months.

Discharge from
employment of
voter.

SEC. 68. *Be it further enacted, etc.,* That any person who shall discharge from his employment any laborer, employe, tenant or mechanic, who shall have been working for such person under contract, written or oral, for a specified time before such time shall have expired, or who shall withhold from any laborer, employe, tenant or

mechanic any part of the wages due to such laborer, employe, tenant or mechanic, on account of any vote which such laborer, employe, tenant or mechanic has given or purposes to give, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred dollars, one-half of which shall go to the school fund of the parish in which the offense was committed, and by imprisonment in the parish prison for not less than three months.

SEC. 69. *Be it further enacted, etc.*, That any person who shall molest, disturb, interfere with, or threaten with violence, any commissioner of election or person in charge of the ballot boxes, while in charge of the same, between the time of the close of the polls and the time that said ballot boxes are delivered to the supervisor of registration, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the penitentiary not less than one year, or both, at the discretion of the court.

Interference
with commis-
sioners, etc.

SEC. 70. *Be it further enacted, etc.*, That any person not authorized by this law to receive or count the ballots at an election, who shall, during or after any election, and before the votes have been counted by the supervisors of registration, disturb, displace, conceal, destroy, handle or touch any ballot, after the same has been received from the voter by a commissioner of election, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars, or by imprisonment for not less than six months, or both, at the discretion of the court.

Disturbing the
counting of bal-
lots.

SEC. 71. *Be it further enacted, etc.*, That any person not authorized by this law to take charge of the ballot boxes at the close of the election who shall take, receive, conceal, displace or [in] any manner handle or disturb any ballot box at any time between the hour of the closing of the polls and the transmission of the ballot box to the supervisor of registration, or during such transmission, or at any time prior to the counting of the votes by the supervisor of registration, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the penitentiary not less than one year, or both, at the discretion of the court.

Interference
with ballot
boxes.

SEC. 72. *Be it further enacted, etc.*, That if any person shall by bribery, menace, willful falsehood, or other corrupt means, directly or indirectly attempt to influence any elector of this State in the giving his vote or ballot, or to induce him to withhold the same, or disturb or hinder him in the free exercise of the right of suffrage at any election in this State, he shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than five hundred dollars, and be imprisoned in the parish prison for a term not exceeding six months, and shall also be ineligible to any office in the State for the term of two years.

Interference
with free exer-
cise of right of
suffrage.

SEC. 73. *Be it further enacted, etc.*, That it shall be unlawful for any person to carry any gun, pistol, bowie knife or other dangerous weapon, concealed or unconcealed, on any day of election during the hours the polls are open, or on any day of registration or revision of registration, within a distance of one-half mile of any place of registration or revision of registration; any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dol-

Weapons.

lars, and by imprisonment in the parish jail for not less than one month; provided, that the provisions of this section shall not apply to any commissioner or officer of the election or supervisor or assistant supervisor of registration, police officer or other person authorized to preserve the peace on days of registration or election.

Liquors. SEC. 74. *Be it further enacted, etc.,* That no person shall give, sell or barter any spirituous or intoxicating liquors to any person on the day of election, and any person found guilty of violating the provisions of this section shall be fined in a sum of not less than one hundred dollars, nor more than three hundred dollars, which shall go to the school fund.

Corruptly voting. SEC. 75. *Be it further enacted, etc.,* That whoever, knowing that he is not a qualified elector, shall vote or attempt to vote at any election, shall be fined in a sum not to exceed one hundred dollars, to be recovered by prosecution before any court of competent jurisdiction.

Double vote. SEC. 76. *Be it further enacted, etc.,* That whoever shall knowingly give or vote two or more ballots folded as one at any election, shall be fined in a sum not to exceed one hundred dollars, to be recovered by prosecution before any court of competent jurisdiction.

Bribery to influence voters. SEC. 77. *Be it further enacted, etc.,* That whoever, by bribery or by a promise to give employment or higher wages to any person, attempts to influence any voter at any election, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, and by imprisonment in the parish prison for not less than three months.

Obtaining illegal voting. SEC. 78. *Be it further enacted, etc.,* That whoever willfully aids or abets any one, not legally qualified, to vote or attempt to vote at any election, shall be fined in a sum of not less than fifty dollars, to be recovered by prosecution before any court of competent jurisdiction.

Disorderly houses. SEC. 79. *Be it further enacted, etc.,* That whoever is disorderly at any poll or voting place during an election, shall be fined in a sum not less than twenty dollars, to be recovered by prosecution before any court of competent jurisdiction.

Meetings of citizens. SEC. 80. *Be it further enacted, etc.,* That whoever shall molest, interrupt or disturb any meeting of citizens assembled to transact or discuss political matters, shall be fined in a sum not less than fifty dollars, to be recovered by prosecution before any court of competent jurisdiction.

Any sheriff, constable or police officer present at the violation of this section shall forthwith arrest the offender or offenders, and convey him or them, as soon as practicable, before the proper court.

Imprisonment. SEC. 81. *Be it further enacted, etc.,* That the court imposing any fine, as directed in sections seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine and eighty of this act, shall commit the person so fined to the parish prison until the fine is paid; *Provided,* That said imprisonment shall not exceed six months.

Perjury. SEC. 82. *Be it further enacted, etc.,* That in cases where any oath or affirmation shall be administered by any supervisor of registration, assistant supervisor of registration or commissioner of election, in the performance of his duty as prescribed by law, any person swearing or affirming falsely in the premises shall be deemed guilty of perjury, and subjected to the penalties provided by the law for perjury.

Duty of Governor to insure peace. SEC. 83. *Be it further enacted, etc.,* That the Governor shall take all necessary steps to secure a fair, free and peaceable election; and shall, on the days of election, have paramount charge and con-

trol of the peace and order of the State, over all peace and police officers, and shall have the command and direction in chief of all police officers, by whomsoever appointed, and of all sheriffs and constables in their capacity as officers of the peace.

SEC. 84. *Be it further enacted, etc.* That to defray the expenses of the next revision of registration, and of the next general election, there is hereby appropriated out of any funds in the treasury not otherwise appropriated, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary. Expenses

SEC. 85. *Be it further enacted, etc.* That all laws or parts of laws contrary to the provisions of this act, and all laws relating to the same subject matter are hereby repealed, and that this act shall take effect from and after its passage. Repeal.

(Signed)

MORTIMER CARR,

Speaker of the House of Representatives.

(Signed)

OSCAR J. DUNN,

Lieutenant Governor and President of the Senate.

Approved March 16, 1870.

(Signed)

H. C. WARMOTH,

Governor of the State of Louisiana.

A true copy:

GEO. E. BOVEE,

Secretary of State.

[No. 101.]

AN ACT

To define and regulate the cost of the Clerks, Sheriffs, Recorders and Notaries Public throughout the State of Louisiana, and providing forfeitures and penalties for overcharging or failing to perform their duties, and the mode of collecting their fees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That the clerks of the district courts throughout the State shall be entitled to demand and receive the following fees of office, and no more; and they shall not be entitled to charge any other fees of office than those specially set forth therein, for any services as clerks which they may be required to render: Fees of clerks.

For indorsing, registering and filing petition, for all, ten cents.

For indorsing, registering and filing answer, for all, ten cents.

For issuing citation, with copy of same, with certificate and seal on each, fifty cents, one charge for both.

For issuing attachment, with copy of same, with certificates and seals on both, one dollar, one charge for both.

For issuing *feri facias*, with seal, fifty cents.

For issuing writ of seizure and sale, with seal, one dollar.

For issuing writ of sequestration, with copy of same, with certificates and seals, one dollar, one charge for both.

For issuing writ of *certiorari*, with copy of same, with certificates and seals, one dollar, one charge for both.